

## Licensing Committee Minutes

Minutes of the meeting of the Licensing Committee of Wyre Borough Council held on Thursday 5 January 2017 at the Civic Centre, Poulton-le-Fylde.

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### Licensing Committee members:

Councillor M Anderton	Councillor Moon
Councillor Barrowclough	Councillor Ormrod
Councillor Beavers	Councillor Pimbley
Councillor C Birch	Councillor Robinson
Councillor Bridge	Councillor Smith
Councillor Collinson	Councillor Matthew Vincent
Councillor Holden	Councillor Wilson

### Officers present:

C Ferguson, Licensing Manager  
M Grimshaw, Senior Solicitor  
C Leary, Democratic Services Officer.

**Non-members present:** None.

**Members of the public present:** T Colebourne, E Pritchard, H Parkinson and R Williams.

No Members of the Press were present.

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### LIC. 37 Declarations of Interest

None.

### LIC. 38 Exclusion of the Public and Press

**RESOLVED** that the public and press be excluded from the meeting whilst agenda item 4 was being considered, because it referred to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemptions outweighed the public interest in disclosing the information and also under regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public interest in excluding the public, outweighed the public interest in the hearing taking place in public.

## LIC. 39      **Review of Premises Licence – UBER, Poulton-Le-Fylde**

Wyre Borough Council being the licensing authority, on Thursday 8 December 2016 received an application from the Chief Officer of Police for the summary review of a premises licence in respect of premises known as Uber, 2B Vicarage Road, Poulton-le-Fylde FY6 7BE.

On the Friday 9 December 2016, within 48 hours of receipt of the Chief Officer's application, the Council's Licensing Sub-Committee considered the application and decided it was necessary to take interim steps and to suspend the premises licence PL(A)0146 for the premises Uber, 2B Vicarage Road, Poulton-le-Fylde, FY6 7BE, with immediate effect.

Following that decision, the Premises Licence Holder, Mr E Simpson submitted representations and further representations were submitted by the Police. The Licensing Sub-Committee considered those representations on Tuesday 13 December 2016 and determined that the interim step of suspension remain in place.

Section 53 of the Licensing Act 2003 requires that following receipt of a summary review notice from the Police, that a full hearing must be held to consider the application within 28 days.

At that full review hearing on Thursday 5 January 2017, the Service Director Health and Wellbeing submitted a report to the Licensing Committee Members, to consider an application for the review of the Premises Licence in respect of Uber, 2B Vicarage Road, Poulton-Le-Fylde, FY6 7BE. Licence number PL(A)0146.

The report set out all the relevant information, including the background to the summary review, the interim steps representations, together with the key issues and proposals.

The Committee also considered information submitted from Lancashire Constabulary which was submitted to the Committee Members on Wednesday 4 January 2017, including witness statements, and a police interview with the Licence Premises Holder (LPH).

The Committee heard from the Police's solicitor, the police officers and the solicitor acting for the Premises Licence Holder.

Members asked questions of both parties and both parties asked questions of each other.

Both parties made representations on the interim steps after the Committee's decision on the summary review was announced.

The Committee retired to consider the application on summary review and interim steps in two closed sessions. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

After considering the report and after listening to the presentations, the Committee decided to revoke the premises licence. The Committee also decided that the interim step of suspension continue until that decision comes into effect.

**RESOLVED** That the Licence in respect of the premises known as Uber, 2B Vicarage Road, Poulton-le-Fylde FY6 7BE - Licence number PL(A)0146, be revoked and the interim step of suspension continue until that decision comes into effect.

## **A summary of the reasons is set out below:**

The Committee after having considered all of the information decided that given the crime and disorder associated with the premises, including the seriousness of the alleged assault together with the removal of CCTV footage, the previous assault, and the general lack of cooperation and engagement with the police over a number of years, in particular in implementing the Action Plans, that revocation was appropriate for the promotion of the Licensing Objectives and was proportionate.

The Committee considered that the premises were poorly managed and there was a general lack of compliance associated with the premises. The Committee were satisfied that the same recurring themes were being demonstrated at the premises namely violent crime, lack of cooperation with the police, similar issues involving difficulties obtaining CCTV footage and the numerous Action Plans that had been put in place by the police to improve the poor management of the club.

The Committee considered that the removal of the DPS was not an appropriate option, as the Committee were satisfied that Mr Simpson had overall control of the premises. It was clear that Mr. Simpson controlled the finances and claimed that he had not even informed the DPS that the CCTV had not been working for a number of weeks and had also reformatted the CCTV and had arranged for the discs to be removed without informing the DPS. The Committee considered that a change in DPS would not make any difference in how the premises were run, as any new DPS would still be under the influence of Mr. Simpson.

The Committee also considered that a suspension of the licence was not an appropriate option as the premises had previously been rebranded and there had been previous changes in management but the same problems continued and a short period of closure would not fix these issues.

The Committee noted the police's total lack of confidence in the Premises Licence Holder in running the premises and considered that none of the other options available on review would resolve the problems associated with the premises and were not appropriate in the circumstances.

Following the decision to revoke the premises licence, and after hearing representations from Mr Williams and Mr Colebourne the Committee considered that in order to promote the Licensing Objectives, it was appropriate and proportionate for the interim step of suspension to continue until the revocation decision comes into effect.

In reaching its decision, the Committee had regard to:-

- The Licensing Act 2003.
- The Guidance published by the Secretary of State.
- The Human Rights Act 1998.
- Relevant case law.
- Wyre Council's Licensing Policy 2016-2021.

The Chair of the Committee informed everyone present that a decision notice to revoke the licence would be issued to all parties. The notice would contain the full and detailed reasons for the decision and set out the rights of appeal. The decision notice would also address the decision to continue the interim step of suspension of the premises licence.

The meeting started at 6.13pm and finished at 9.25pm

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